

**IN THE SUPREME COURT
STATE OF MISSOURI**

IN RE:)
)
JOHN C. SHELHORSE, IV,) **Supreme Court #SC85977**
)
Respondent.)

RESPONDENT'S BRIEF

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RESPONDENT PRO SE

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STATEMENT OF JURISDICTION

Jurisdiction over attorney discipline matters is established by Article 5, Section 5 of the Missouri Constitution, Supreme Court Rule 5, this Court's common law, and Section 484.040 RSMo 2000.

STATEMENT OF FACTS

Respondent stipulates to the statement of facts as stated in Informant's brief, except that Respondent, as of April 1, 2004, had obtained sufficient MCLE credits to be compliant with Rule 15 through the 2004 reporting year.

POINT RELIED ON

I.

THE SUPREME COURT SHOULD FOLLOW THE RECOMMENDATION OF THE DISCIPLINARY HEARING PANEL BECAUSE ALTHOUGH RESPONDENT WAS NOT IN COMPLIANCE WITH RULE 15 AT THE TIME OF THE DISCIPLINARY HEARING IN MARCH 2004, RESPONDENT HAD OBTAINED SUFFICIENT MCLE CREDITS BY APRIL 1, 2004 TO BE COMPLIANT THROUGH THE 2004 REPORTING YEAR.

POINT RELIED ON

II.

THE SUPREME COURT SHOULD FOLLOW THE RECOMMENDATION OF THE DISCIPLINARY HEARING PANEL WITH REGARD TO RESPONDENT'S ADMITTED VIOLATION OF RULE 4-8.1(b) IN THAT HE FAILED TO RESPOND TO FOUR REQUESTS FOR INFORMATION FROM DISCIPLINARY AUTHORITIES.

ARGUMENT

I.

THE SUPREME COURT SHOULD FOLLOW THE RECOMMENDATION OF THE DISCIPLINARY HEARING PANEL BECAUSE ALTHOUGH RESPONDENT WAS NOT IN COMPLIANCE WITH RULE 15 AT THE TIME OF THE DISCIPLINARY HEARING IN MARCH 2004, RESPONDENT HAD OBTAINED SUFFICIENT MCLE CREDITS BY APRIL 1, 2004 TO BE COMPLIANT THROUGH THE 2004 REPORTING YEAR.

Between April 19, 2002 and April 1, 2004, Respondent completed 55.9 hours of Missouri Bar accredited continuing legal education, excluding self-study, in an effort to become compliant with Rule 15.06 as quickly as possible. As of April 1, 2004, Respondent had obtained sufficient MCLE credits to be in compliance with Rule 15 through the 2004 reporting year.

Respondent failed to file the Attorney's Annual Report of Compliance for each year as sufficient credits were obtained because Respondent mistakenly believed Rule 15 required 3 hours of Ethics credits for each reporting year. All though Respondent was attending MCLE programs as quickly as possible, he was

unable to attend enough programs during that 2-year period to obtain the amount of Ethics credits Respondent believed were necessary to file Annual Reports of Compliance to bring Respondent current through the 2003 reporting year, and subsequently the 2004 reporting year. Respondent now understands only 3 Ethics hours are required for a 3-year reporting period, not 3 hours per year. Subsequently, Respondent had unknowingly obtained sufficient MCLE credits, including Ethics credits, to be compliant with Rule 15 within a couple weeks of the decision of the Disciplinary Hearing Panel in this case, and several months before the Office of Chief Disciplinary Counsel proceeded with its objection to the decision of the Disciplinary Hearing Panel.

Counsel for the Office of Chief Disciplinary Counsel and Respondent agreed, at the time this matter was heard by the Disciplinary Panel, that the Panel should recommend a public reprimand to the Court. Counsel for the Office of Chief Disciplinary Counsel agreed to this recommendation on the understanding that Respondent would bring himself in compliance with Rule 15, a condition Respondent has met.

ARGUMENT

II.

THE SUPREME COURT SHOULD FOLLOW THE RECOMMENDATION OF THE DISCIPLINARY HEARING PANEL WITH REGARD TO RESPONDENT'S ADMITTED VIOLATION OF RULE 4-8.1(b) IN THAT HE FAILED TO RESPOND TO FOUR REQUESTS FOR INFORMATION FROM DISCIPLINARY AUTHORITIES.

Respondent admitted to the Disciplinary Hearing Panel that he made no response to four letters requesting information sent to him by a Region XI disciplinary committee. Respondent understands the duty of a practicing Missouri lawyer to respond promptly and diligently to the inquiries of the disciplinary authorities, and realizes the ramifications of a failure to respond as in this case on the ability of the Missouri Bar to regulate and police itself. Respondent cannot now undo his failure to respond, and again apologizes to his peers in the practice of law, and the Court, for his dereliction.

At the time of the disciplinary hearing in this case, Respond *and* counsel for the Office of Chief Disciplinary Counsel agreed that the Disciplinary Hearing Panel should recommend a public reprimand for Respondent's failure to respond, not a 6-month suspension of Respondent's law license. Respondent asks that the

Court hold the Office of Chief Disciplinary Counsel to it's word, and follow the decision of the Disciplinary Hearing Panel.

CONCLUSION

Respondent has violated Rules 4-5.5(c), 4-8.1(b), and 15. However, Respondent has taken advantage of the many opportunities extended him to acquire the continuing legal education credits required by Rule 15. In a 2-year period, between April 2002 and April 2004, Respondent obtained 55.9 MCLE credit hours, exclusive of self-study, in an effort to quickly bring himself into compliance with Rule 15. Respondent has been true to his word, and worked diligently to correct his non-compliance with Rule 15 as quickly as possible. As well, Respondent accepted responsibility for his failure to respond to the original investigative inquiry packet sent by the Region XI disciplinary committee, stipulated at the disciplinary hearing that he had failed to respond, and wishes with all his heart and mind that he had responded in a timely manner. Respondent cannot now undo his failure to respond, and prays the Court hold the Office of Chief Disciplinary Counsel to its word, and follow the decision of the Disciplinary Hearing Panel.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 2004, two
copies of Informant's Brief have been sent via First Class mail to:

Sharon K. Weedin
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John C. Shelhorse

CERTIFICATION: RULE 84.06(c)

I certify to the best of my knowledge, information and belief, that this brief:

1. Includes the information required by Rule 55.03;
2. Complies with the limitations contained in Rule 84.06b);
3. Contains 863 words, according to Microsoft Word, which is the word
processing system used to prepare this brief; and
4. That Norton Anti-Virus software was used to scan the disk for viruses
and that it is virus free.

John C. Shelhorse